

STEPHEN M. HAYES (SBN 83583)  
STEPHEN P. ELLINGSON (SBN 136505)  
CHERIE M. SUTHERLAND (SBN 217992)  
HAYES SCOTT BONINO ELLINGSON & McLAY, LLP  
203 Redwood Shores Pkwy., Ste. 480  
Redwood City, California 94065  
Telephone: 650.637.9100  
Facsimile: 650.637.8071

Attorneys for Defendant  
STATE FARM GENERAL INSURANCE COMPANY

J. EDWARD KERLEY (SBN 175695)  
DYLAN L. SCHAFFER (SBN 153612)  
HEREFORD KERLEY LLP  
1939 Harrison Street, Suite 500  
Oakland, California 94612  
Telephone: 510.379.5801  
Facsimile: 510.228-0350

Attorney for Plaintiffs  
JOSE and YADIRA FLORES dba LA ROSA MARKET

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSE FLORES, an individual, and  
YADIRA FLORES, an individual, dba  
LA ROSA MARKET,

Plaintiffs,

v.

STATE FARM GENERAL INSURANCE  
COMPANY, an Illinois Company, and DOES  
1 through 15,

Defendants.

CASE NO. CV 13-05348 VC

**STIPULATION AND ~~[PROPOSED]~~  
ORDER TO REVISE THE COURT'S  
SCHEDULING ORDER**

Plaintiffs and State Farm General Insurance Company ("State Farm"), by and through their respective counsel, hereby stipulate to revise the Court's February 18, 2014 Pretrial Schedule (Dkt 18) as follows:

**I.  
RECITALS**

1. The parties are in the process of completing fact discovery, including depositions. The parties also have been working together to secure discovery from third parties who are significant

1 witnesses. Despite the parties' cooperation in discovery, the parties do not anticipate being able to  
2 complete depositions by the current fact discovery deadline of January 16, 2015.

3       2.       The parties are engaged in active settlement discussions. The parties would like to  
4 avoid incurring additional costs related to fact and expert discovery while discussing settlement.  
5 Additionally, incurring significant additional costs, e.g. for experts, could be an impediment to  
6 settlement.

7       3.       The parties have initiated the Court's discovery dispute resolution process pursuant to  
8 Paragraph 9 (Discovery) of the Court's Standing Order. The parties have submitted three joint letters  
9 to the Court addressing several discovery issues. (Dkt 33, 45 & 35.) The outcome of these discovery  
10 disputes may impact the remaining depositions and additional discovery.

11       4.       The parties previously stipulated to an order continuing the fact and expert discovery  
12 deadlines. The Court entered its order on that stipulation on October 2, 2014 (Dkt 32). Significant  
13 developments since then have included the recent settlement discussions, the unavailability of key  
14 witnesses for deposition for different reasons and the discovery disputes currently pending before the  
15 Court.

16       5.       For these reasons, the parties have agreed to stipulate to a proposed order extending  
17 the deadline for fact discovery, and the deadlines for expert disclosure, rebuttal disclosure and expert  
18 discovery, to enable the parties to fully explore the potential for settlement without incurring undue  
19 additional burden and expense.

20       6.       The parties are mindful of the other pretrial deadlines in the current Pretrial Schedule,  
21 and do not believe that the stipulated fact and expert discovery extensions will affect their ability to  
22 comply with those deadlines.

23       7.       The parties do not seek to continue any deadlines other than the deadlines for fact  
24 discovery, expert disclosure, rebuttal disclosure and expert discovery. The parties do not seek to  
25 continue the trial date or the pretrial conference date. However, the parties are agreeable to doing so  
26 if the Court prefers to continue those dates in addition to the discovery and expert discovery  
27 deadlines addressed in this stipulation.  
28

**II.  
STIPULATION**

The parties hereby stipulate to the following revisions to the court's Pretrial Schedule:

1. Discovery Cutoff February 13, 2015  
(currently January 16, 2015)
2. Expert Disclosure February 27, 2015  
(currently January 30, 2015)
3. Expert Rebuttal March 13, 2015  
(currently February 13, 2015)
4. Expert Discovery Cutoff March 20, 2015  
(currently February 27, 2015)

Dated: December 10, 2014

HEREFORD KERLEY, LLP

By /S/ Dylan L. Schaffer

J. EDWARD KERLEY  
DYLAN L. SCHAFER  
Attorney for Plaintiffs  
JOSE and YADIRA FLORES dba LA ROSA  
MARKET

Dated: December 10, 2014

HAYES SCOTT BONINO ELLINGSON & McLAY, LLP

By /S/ Stephen P. Ellingson

STEPHEN M. HAYES  
STEPHEN P. ELLINGSON  
CHERIE M. SUTHERLAND  
Attorneys for Defendant  
STATE FARM GENERAL INSURANCE  
COMPANY

**~~PROPOSED~~ ORDER**

Pursuant to the parties' stipulation, the Pretrial Schedule is revised as follows:

1. Discovery Cutoff February 13, 2015  
(currently January 16, 2015)
2. Expert Disclosure February 27, 2015  
(currently January 30, 2015)
3. Expert Rebuttal March 13, 2015  
(currently February 13, 2015)
4. Expert Discovery Cutoff March 20, 2015  
(currently February 27, 2015)

The remaining dates and deadlines set forth in the Civil Minutes dated February 18, 2014 (Dkt 18) remain unchanged.

Dated: December 12, 2014



HONORABLE VINCE CHHABRIA  
UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA